IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

CRP.No. 167 of 2004()

AGAINST THE ORDER DATED 21/12/2001 IN EP 74/1996 IN LAR.29/1980 of PRL.SUB COURT, KOZHIKODE

.....

REVN. PETITIONERS/PETITIONERS:

1. MALIYEKKAL AHAMMED KOYA,
   NECHOLI HOUSE, ERANHIPALAM,
   KOZHIKODE.

2. AYISHABI,40 YEARS, NECHOLI HOUSE,
   ERANHIPALAM, KOZHIKODE.

3. MUSTAFA, 38 YEARS, NECHOLI
   HOUSE, ERANHIPALAM, KOZHIKODE.

4. MARIYAMBI, 36 YEARS, NECHOLI
   HOUSE, ERANHIPALAM, KOZHIKODE.

5. ABDUL RASACK, 34 YERAS,
   NECHOLI HOUSE,
   ERANHIPALAM, KOZHIKODE.

6. ABDUL NAZAR, 32 YEARS,
   MUKTHIYAR, NECHOLI HOUSE,
   ERANHIPALAM, KOZHIKODE.

7. MUHAMMED IQUBAL, 30 YEARS,
   NECHOLI HOUSE, ERANHIPALAM,
   KOZHIKODE.

BY ADV. SRI.C.P.MOHAMMED NIAS

RESPONDENTS: RESPONDENT

THE SPECIAL TAHSILDAR,
LAND ACQUISITION,
KOZHIKODE.

BY GOVERNMENT PLEADER SRI THOMAS JOHN AMBOOKEN

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 16/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.R.RAMAN J.

C.M.APPL.NO.119 OF 2004 &
C.R.P.No.167 OF 2004

Dated this the 16th day of July, 2007

O R D E R

There is a delay of 347 days in filing the above revision petition. An affidavit in support thereof is filed by the Clerk attached to the office of the counsel appearing for the revision petitioners. It is averred in paragraph 2 of the affidavit that certified copy was ready on 28/9/2003 and was notified on 8/10/2002 and copy was taken delivery on 15/3/2003. The fact that a copy was ready on 28/9/2003 obviously must be a mistake for 28/9/2002. However, there is no explanation forthcoming for the delay between 8/10/2002 and 15/3/2003. The further delay thereafter is attempted to be explained in paragraph 3 of the affidavit stating that the certified copy was kept along with other files during the course of shifting the office. As to when the office was shifted and when it was detected, the affidavit is totally silent. The long delay of 347 days in such circumstances cannot be held to have properly explained. Besides, there is no merit in the revision petition also.

2. This revision is filed against the order passed by the court below

rejecting the contention of the petitioners/decree holders that there is any mistake crept in in the matter of calculating the actual amount due and paid to the decree holders. It was held that the entire decree has been satisfied. In that regard the court below has referred to an amount of Rs.84,279.40 paid by the Land Acquisition Officer and another amount of Rs.2,47,200/- deducted towards income tax. The court below has accepted the case of the judgment debtors and their statement that these amount have not been accounted, and if they were accounted, necessarily there is no balance amount. According to the petitioners, in their statement, they have given due credit to the above said amount, which has not been specifically considered by the court below. If so, the remedy is to move for review of the order. Without prejudice to any such right both the petition for condonation of delay and the C.R.P. are dismissed.

P.R.RAMAN,
Judge.

kcv.